

From: Sheldrake, Beth
Sent: Friday, June 06, 2014 10:18 AM
To: Gervais, Gregory; Rochlin, Kevin
Cc: Grandinetti, Cami
Subject: RE: Bob P letter
Attachments: R10_OSWER ltr to Ch Small_Oct 31_2011.pdf

Categories: Lepic transfered

Greg – I think this is the letter you are looking for. Let me know if there is anything else you need.

Beth Sheldrake | Unit Manager
U.S. Environmental Protection Agency | Region 10
Office of Environmental Cleanup
Superfund Site Cleanup Unit #1
p: 206.553.0220 | c: 206.890-1827 | sheldrake.beth@epa.gov

From: Gervais, Gregory
Sent: Friday, June 06, 2014 8:21 AM
To: Rochlin, Kevin; Sheldrake, Beth
Cc: Grandinetti, Cami
Subject: FW: Bob P letter

Kevin and Beth – Just making sure you know Cami is now helping us. Don't want to make you guys duplicate any effort on this.
Thx

@@

Greg Gervais, P.E.
Chief, Technology Assessment Branch | EPA OSWER OSRTI TIFSD
1200 Pennsylvania Ave NW, MC 5203P | Washington, DC 20460
703-603-0690 (o) | gervais.gregory@epa.gov | epa.gov/superfund | clu-in.org

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From: Gervais, Gregory
Sent: Friday, June 06, 2014 11:14 AM
To: Grandinetti, Cami; Fonseca, Silvina
Subject: RE: Bob P letter

Cue the 'wa-wa-wa' music from The Price is Right. No that's not the one. We are looking for the final version of the letter Dennis and Mathy co-signed in response to Chmn Small's 9/15/11 letter to them. I have a draft version in Word from mid-October that year, but my trail goes cold. One of our folks searched CMS and could not find the response...cannot even find the CMS number though Small's letter is in the CMS database (R10-11-001-5915). Is it possible that EPA didn't send a response?

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From: Grandinetti, Cami
Sent: Friday, June 06, 2014 11:11 AM

To: Fonseca, Silvina; Gervais, Gregory

Subject: Bob P letter

Silvina—Whoohooo! SDMS still works! I found this letter from Bob P. Let me know if this is what you were looking for.



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OCT 31 2011

The Honorable Nathan Small
Chairman, Fort Hall Business Council
Shoshone-Bannock Tribes
PO Box 306
Fort Hall, Idaho 83203

Dear Chairman Small:

Thank you for your letter of September 15, 2011 to Mathy Stanislaus, Assistant Administrator and me regarding the EPA's proposed interim remedial action for the FMC Operable Unit of the Eastern Michaud Flats Superfund site. We understand your concerns and know this site is of extreme importance to the Shoshone-Bannock Tribes. We are committed to working with you and the Business Council on this issue.

The EPA is currently accepting public comment on the Proposed Plan, which we anticipate will lead to an interim amendment to the 1998 Record of Decision. At the Tribes' request, that public comment period was just extended to December 2, 2011. We believe the proposed alternative is the best option currently available based on the evaluation criteria specified in CERCLA and the National Contingency Plan, and that the proposed alternative is fully supported by the Administrative Record. As required by statute, the EPA will carefully consider each comment received during this public comment period. We believe it is critically important to implement measures to protect human health and the environment, especially the groundwater and the Portneuf River, which we know are of high value to the Tribes.

As we proceed forward with the Proposed Plan, the EPA remains committed to continued engagement with the Tribes regarding concerns with the proposed interim remedy. In our July 11, 2011 letter, we invited you to let the EPA know if the Tribes had suggestions on how we can increase the Tribes' confidence in the recommended capping and groundwater extraction approach. In your response, you indicated that establishing an independent review panel to consider treatment options at the site would help achieve that goal. The EPA looks forward to discussing the specific objectives and process for an independent review to further identify and evaluate excavation and treatment technologies for soil contaminated with elemental phosphorus. In order to engage in these discussions, the EPA would like to have a better understanding of the Tribes' vision of the scope of an independent review panel. This information is critical to answering the Tribes' concerns with the proposed interim remedy and integrating the independent review with immediate actions needed to prevent further contamination and address existing risks.

The EPA is also dedicated to continued financial support of the Tribes' substantial involvement in all aspects of the Eastern Michaud Flats Superfund site. To that end, the EPA recently awarded a follow-on cooperative agreement providing \$100,000 to the Tribes for work over the coming federal fiscal year.

R10_OSWER ltr to Ch Small_Oct 31_2011.pdf

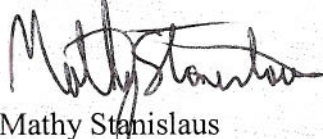
We will also continue to involve the Tribes in all aspects of oversight of the cleanup activities, including review of all deliverables related to the site such as monitoring and operations and maintenance plans.

Finally, the EPA agrees with your point that future treatment will not be precluded due to the interim actions that are being proposed. This is highlighted on page 27 of the Proposed Plan.

The EPA continues to believe that open and frank communication is precisely what earnest, respectful consultation with the Tribes requires. We will continue to communicate openly and fully with the Tribes, especially over issues on which we may disagree.

The EPA's point of contact for this site continues to be Chris Bellovary, Remedial Project Manager, and he will reach out to Jill Grant, Nordhaus Law Offices, to begin discussions on the independent review. If you have any questions or concerns, please feel free to contact either of us or have your staff contact with Chris Bellovary who can be reached at (206) 553-2723 or by email at bellovary.chris@epa.gov. Thank you again for your letter.

Sincerely,



Mathy Stanislaus
Assistant Administrator



Dennis J. McLerran
Regional Administrator

cc: Ms. Michelle DePass, Assistant Administrator
Office of International and Tribal Affairs

Mr. Scott Fulton, Assistant Administrator
Office of General Counsel